

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

JAY FOLSE,

Plaintiff,

v.

CIVIL ACTION NO. 3:22-0415

CITY OF HUNTINGTON,  
a municipal corporation;  
SCOTT DAMRON,  
in his individual and official capacity;  
JOHN DOE CODE ENFORCEMENT OFFICERS 1-5,  
in their individual and official capacities;  
INDIVIDUAL MEMBERS OF THE CITY OF  
HUNTINGTON CITY COUNCIL,  
in their individual and official capacities;  
INDIVIDUAL MEMBERS OF THE UNSAFE BUILDINGS  
COMMISSION OF THE CITY OF HUNTINGTON,  
in their individual and official capacities;  
STEPHEN T. WILLIAMS,  
in his individual and official capacity,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommends that Defendants' Motion for Summary Judgement, (ECF No. 30), be **GRANTED**, in part, and **DENIED**, in part, as follows:

1. **GRANTED**, with respect to any substantive due process claim;


2. **GRANTED**, with respect to Folse's procedural due process claims for the demolitions at the 5th Avenue and 27th Street properties;
3. **DENIED**, with respect to Folse's procedural due process claim for the demolition at the 11th Avenue property. This claim should proceed to trial;
4. **DENIED**, with respect to Folse's *Monell* claim against the City based upon the procedural due process claim for the demolition at the 11th Avenue property. This claim should proceed to trial;
5. **GRANTED**, with respect to Folse's claims that the demolitions at all three properties violated the Fifth Amendment's Takings Clause;
6. **GRANTED**, on *sua sponte* review, with respect to Folse's claims against John Doe Code Enforcement Officers 1-5, Individual Members of the City of Huntington City Council, and Individual Members of the Unsafe Buildings Commission.

No objections to the Magistrate Judge's findings and recommendations have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge as stated above and **ORDERS** that Defendants' Motion for Summary Judgement, (ECF No. 30), be **GRANTED**, in part, and **DENIED**, in part.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 25, 2024



ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE